

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, September 18, 2006 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Brian Morales, Cindy Spoljaric, and Craig Wood. Also present was Tom Higgins and Town Attorney, Brian Zaiger.

Mueller moved to approve the August 21, 2006 minutes as presented.

Wood seconded, and the motion passed by voice vote.

Miller reviewed the Public Hearing Rules and Procedures.

Higgins stated 0607-SE-001 is still on the October agenda and further stated the petitioner has made contact with the developer.

NEW BUSINESS

0608-VU-004 180 South Cherry Street: Tim Martin (owner) Paul Hallam the Appellant:
The Appellant is requesting a Variance of Use from the Westfield Washington Ordinance WC: 16.040.050. E. 1 to allow the structure to serve as a plumbing showroom.

Mr. Paul Hallam discussed the details of the variance of use request.

Miller asked if the petitioner understood the staff's recommended condition of approval.

Hallam responded a fairly general idea, but not totally sure as far as the commercial aspect. However, he stated there are no plans for a different use other than maybe to install a garage door.

Wood asked about vehicles.

Hallam responded one-ton box vans, two regular sized vans, and one pickup truck, which are all take home vehicles.

Mueller asked if the creek will cause any problems to the operation.

Hallam responded no.

Wood asked how many employees?

Hallam responded nine.

Wood asked how many parking spaces might be needed in the future.

Hallam responded no more than four or five.

Spoljaric asked if any chemicals were to be stored on the premises.

Hallam responded no.

Spoljaric asked Higgins what problems there were in bringing the property up to code.

Higgins responded landscaping is deficient and that lighting, parking lot, etc. would have to be brought up to code if the building was ever expanded.

A Public Hearing opened at 7:08 p.m.

No one spoke, and the Public Hearing closed at 7:09 p.m.

Miller moved to approve 0608-VU-004 with the following condition:

- Any new construction on site will mandate the entire site be brought up to code.

Wood seconded, and the motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Mueller seconded, and the motion passed by voice vote.

0609-VU-005 536 North Union Street: Mark Steffen (owner) David and Mary Beth Mueller the Appellants: The Appellants are requesting a Variance of Use from the Westfield Washington Ordinance WC: 16.040.030. E. 1 to allow the residential structure to serve as a Civic Club.

Mueller stepped down from the Board for this item but remained in the room and participated in discussion.

Robey discussed the details of the variance of use request. He introduced the Muellers, as appellants, and stated the variance of use is sought for the continued operation of Student Impact. He further stated an open house was held for the community and neighbors. Robey introduced Mr. Dan Ventley who spoke on Student Impact.

Ventley gave background on the Student Impact program.

Mueller addressed the conditions proposed by staff stating the first two are reasonable, however, #3, proposed activities inside current structure, but feels the backyard should be available for activities; #4 screening provided for all parking, but feels parking will be minimized, 15 public parking spaces in front, room for six inside of parking lot itself which will be more than enough. However, had a bid done for screening, and believes this would be quite expensive. Number five, landscaping requirements, house has been landscaped in the past, and believes this would be quite expensive. Number six, no additional square footage, accepted. Number seven – would like removed, no overnight guests associated with Civic Club. Mueller stated he is not sure

Student Impact is a civic club, but may be future retreats where students would stay all night or may have visitors, such as ministers. Number nine, request for removal of the sign; he believes the sign is necessary.

Miller asked what the hours of operation would be.

Ventley stated normal hours are 2:15 to 5:30. He further stated there are times when the property may be used in the evening. He also stated it would be used for office use and/or counseling.

Spoljaric asked on an average, how many students are at the facility at one time.

Vently responded 12-25 but an average of 8-12.

Morales asked if the property was ADA accessible.

Ventley responded it can be made ADA accessible.

A Public Hearing opened at 7:38 p.m.

Mr. Tom Mullins expressed concern of using the high school parking lot. He also spoke in support of the Student Impact ministry and the variance.

Mr. Andy Cook spoke in support of the variance of use.

Mr. Paul Clemens spoke in support of Student Impact and of the variance of use.

Mr. Bob Rebling attended the open house and spoke in support of the variance of use.

Ms. Kim Carnes spoke in favor of the variance of use.

Mr. Paul Acord spoke in favor of the variance of use and read a letter from his step daughter who is in favor of the Student Impact program.

Mr. Lucas Acord read a letter in support of the Student Impact program and the variance of use.

The Public Hearing closed at 7:52 p.m.

Miller asked for a 9:00 p.m. curfew on outside activities.

Ventley proposed cutting off athletic activities by 9:00 p.m.

Miller proposed no full time residents, no tenants, occasional overnight use only.

Ventley agreed.

Miller moved to approve 0609-VU-005 with the following conditions:

1. This variance is valid only for the duration of the civic club operation that is consistently in operation without a break in business for more than one hundred and twenty (120) days of operation once commenced, and;
2. No further variances of use will be requested, and;
3. Any outside activities will conclude by 10:00 p.m., and;
4. No additional square footage will be developed on the property for the civic club until the current comprehensive plan is amended or replaced, and;
5. No full time residents, no tenants, and only occasional overnight usage for club sponsored functions not to exceed four times per year, no more than three consecutive days per occurrence, and;
6. Maximum occupancy shall be determined by the Fire Marshall inspection and the petitioner will comply, and;
7. Petitioner will make the facility ADA Accessible.

Spoljaric seconded, and the motion passed unanimously.

Miller moved to accept the staff's Finding of Facts.

Wood seconded, and the motion passed by voice vote.

Mueller returned to the meeting as a Board member.

0609-VS-057 3540 Carey Glen Court: Kensington Carriage Homes LLC: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.030 (D) (5) to reduce road frontage.

Mr. Curt Alberton discussed the details of the variance of standard.

It was determined during discussion that 0609-VS-058 will be continued to the October BZA meeting.

Miller moved to grant the Waiver of Notice.

Mueller seconded, and the motion passed by voice vote.

A Public Hearing opened at 8:22 p.m.

No one spoke, and the Public Hearing closed at 8:23 p.m.

Miller moved to approve 0609-VS-057 as per plans filed.

Wood seconded, and the motion passed unanimously.

Miller moved to adopt staff's findings of fact.

Wood seconded, and the motion passed by voice vote.

The meeting adjourned at 8:25 p.m.

Chairman

Secretary